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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,108	06/02/2000	Neil A Willcocks	2280.2620	6805

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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,108

Applicant(s)

WILLCOCKS ET AL.

Examiner

Thierry L. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-65 and 83-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-65 and 83-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/3/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 4/3/06.
- IDS filed on 4/3/06 has been considered by the examiner.
- Claims 31-65 & 83-92 are pending, wherein claims 88-92 are newly added; claims 1-30 & 66-82 have been canceled.

Response to Arguments

Applicant's arguments, see pages 13-14, filed 4/3/06, with respect to the rejection(s) of claim(s) 31-65, 83-87 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-65, 83-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofman et al (US 6230073), Yu et al (US 20020095231), and further in view of Young (US 6058843).

Regarding claim 31, Kofman discloses a system (fig. 3) for enabling a user to submit a customizable image (any pictorial representation image, col. 1, lines 15-16) to be printed directly on a non-planar surface (col. 2, lines 23-32 and col. 5, lines 3-10) of a sugar shell or jellybean comprising:

- a second computer (computer 100, fig. 3);
- an ink-jet printer (printer 80, fig. 3) adapted to receive the image data from the second computer and print directly on a non-planar surface (col. 3, lines 25-40 and col. 4, lines 30-35) of a sugar shell candy (col. 5, lines 5-10) or a jellybean a high quality (col. 2, lines

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26-28) that corresponds to the received image data in the manufacture (col. 4, lines 50-51) of personalized shell candy or jelly beans.

However, Kofman fails to explicitly teach and/or suggest a network for receiving customized image data from a first computer. Customized image data to be printed on a surface of food products (col. 4, lines 36-45) as taught by Kofman is generated by manufacture facility's operator rather than from customer computer (first computer as claimed). In other words, Kofman fails to explicitly teach and/or suggest receiving customized image data from client's computer externally via communication network.

Yu, in the same field of endeavor for printing customizable image data on an edible product, teaches a well-known example of transmitting a customizable image data (fig. 3) from client's computer (customer 100, fig. 1) to manufacture facility computer (fig. 1) via communication network (network 102, fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify manufacture facility of Kofman to include a communication network for receiving customizable image data externally from client's computer, doing so, it increases facility operating efficiency (enables more consumers to facilitate the invention not only locally, but globally).

However, combinations of Kohman and Yu do not expressly teach and/or suggest printing a customizable image data using an inkjet printer having resolution greater than 200 dpi.

Young, in the same field of endeavor for edible printer, discloses a printer that prints an image on an edible product having resolution greater than 200 dpi (360 dpi, col. 2, lines 30-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kofman and Yu as per teachings of Young because of a following reason: (●) to provide high quality printed edible images.

Therefore, it would have been obvious to combine Kofman and Yu with Young to obtain the invention as specified in claim 31.

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Regarding claim 32, Yu further discloses a system according to Claim 31, wherein the network is the Internet (par. 36, page 2) and the first computer is a client computer operable to run Web browser software (par. 36, page 2) adapted to send and receive Hypertext Markup Language (HTML) forms over the World Wide Web.

Regarding claim 33, Yu further discloses a system according to Claim 31, wherein the network is a local area network (fig. 1).

Regarding claim 34, Young further teaches a system according to claim 31, wherein the ink-jet printer prints on the confectionery product using a dispersed pigment food-grade ink to obtain a printed image having resolution greater than 200 dpi (360 dpi, col. 2, lines 30-36) even if printed using a single printhead and single pass printing.

Regarding claim 35, Kofman further discloses ink-jet printer is a drop-on-demand ink-jet printer (col. 7, lines 52-53).

Regarding claim 36, Young further teaches wherein the printed image has a resolution between 300 and 1200 dpi (360 dpi, col. 2, lines 30-36).

Regarding claim 83, Kofman further teaches a system according to claim 31, further comprising a subsystem for holding (fig 6) the confectionery product transiently in position for printing.

Regarding claim 88, Kofman further teaches a system according to claim 31, wherein the customizable image is a personalized message (col. 1, lines 10-16). Also see Yu for customizable message to be printed.

Regarding claims 37-65, and 84-87, 89-92 recite limitations that are similar and in the same scope of invention as to those in claims 31-36, 83, and 88 above; therefore,

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claims 37-65, and 84-87, 89-92 are rejected for the same rejection rationale/basis as described in claims 31-36, 83, and 88.

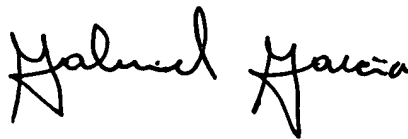
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER